

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Oasis Research, LLC,

Plaintiff,

v.

**ADRIVE LLC,
AT&T INC.,
CARBONITE, INC.,
DRIVE HEADQUARTERS INC.,
EMC CORP.,
DECHO CORP.,
IOMEGA CORP.,
GODADDY.COM, INC.,
IRON MOUNTAIN INC.,
IRON MOUNTAIN INFORMATION
MANAGEMENT, INC.,
NETMASS, INC.,
NIRVANIX, INC.,
OFFICEWARE CORP.
d/b/a/ FILESANYWHERE.COM,
PRO SOFTNET CORP.,
RACKSPACE HOSTING, INC.,
RACKSPACE US, INC.,
JUNGLE DISK, LLC,
and
SOFTLAYER TECHNOLOGIES, INC.**

Defendants.

Civil Action No. 4:10cv435

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff OASIS RESEARCH, LLC, by its attorneys, hereby complains against Defendants ADRIVE LLC, AT&T INC., CARBONITE, INC., DRIVE HEADQUARTERS INC., EMC CORP., DECHO CORP., IOMEGA CORP., GODADDY.COM, INC., IRON

MOUNTAIN INC., IRON MOUNTAIN INFORMATION MANAGEMENT, INC., NETMASS, INC., NIRVANIX, INC., OFFICEWARE CORP. d/b/a FILESANYWHERE.COM, PRO SOFTNET CORP., RACKSPACE HOSTING, INC., RACKSPACE US, INC., JUNGLE DISK, LLC, and SOFTLAYER TECHNOLOGIES, INC., as follows:

PARTIES

1. Plaintiff OASIS RESEARCH, LLC, (“OASIS”) is a Delaware Limited Liability Company with its principal place of business at 104 E. Houston Street, Suite 190, Marshall, TX 75670.

2. On information and belief, Defendant ADRIVE LLC (“ADRIVE”) is a Limited Liability Company established under the laws of the State of California, with its principal place of business at 1321 67th Street, Emeryville, CA 94608. ADRIVE LLC may be served with process by its registered agent Javier Martell, 1321 67th Street, Emeryville, CA 94608.

3. On information and belief, Defendant AT&T INC. (“AT&T”) is a Corporation established under the laws of the State of Delaware, with its principal place of business at 208 South Akard Street, Dallas, Texas 75202. AT&T may be served with process by serving its registered agent, CT Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, TX 75201.

4. On information and belief, Defendant CARBONITE, INC. (“CARBONITE”) is a Corporation established under the laws of the State of Delaware, with its principal place of business at 334 Boylston Street, 3rd Floor, Boston, MA 02116. CARBONITE may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

5. On information and belief, Defendant DRIVE HEADQUARTERS, INC. (“DRIVEHQ”) is a Corporation established under the laws of the State of California, with its principal place of business at 830 Stewart Drive, Sunnyvale, CA 94085. DRIVEHQ may be

served with process by serving its registered agent, Wenbing Zhang, 830 Stewart Drive, Sunnyvale, CA 94085.

6. On information and belief, Defendant EMC CORP. is a Corporation established under the laws of the State of Massachusetts, with its principal place of business at 176 South Street, Hopkinton, MA 01748. On information and belief, Defendant DECHO CORP. is a wholly owned subsidiary of EMC CORP., and is a Corporation established under the laws of the State of Delaware, with its principal place of business at Word Trade Center East, 2211 Elliott Ave., Suite 300, Seattle, WA 98121. On information and belief, IOMEGA CORP. is a wholly owned subsidiary of EMC CORP., and is a Corporation established under the laws of the State of Delaware, with its principal place of business at 10955 Vista Sorrento Parkway, San Diego, CA 92130 (EMC CORP., DECHO CORP., and IOMEGA CORP. are collectively referred to as “EMC”). EMC CORP. and IOMEGA CORP. may be served with process by serving their registered agent, CT Corporation System, Inc., 155 Federal Street, Suite 700, Boston, MA 02110. DECHO CORP. may be served with process by serving its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

7. On information and belief, Defendant GODADDY.COM, INC., (“GO DADDY”) is a Corporation established under the laws of the State of Arizona, with its principal place of business at 14455 N. Hayden Road, # 219, Scottsdale, AZ 85260. GO DADDY may be served with process by serving its registered agent, Sherry Delgado, 14455 N. Hayden Road, # 219, Scottsdale, AZ 85260.

8. On information and belief, Defendants IRON MOUNTAIN INC. and IRON MOUNTAIN INFORMATION MANAGEMENT INC. (collectively “IRON MOUNTAIN”) are Corporations established under the laws of the State of Delaware, with a principal place of business at 745 Atlantic Avenue, Boston, MA 02111. IRON MOUNTAIN may be served with process by serving its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

9. On information and belief, Defendant NETMASS, INC., (“NETMASS”) is a Corporation established under the laws of the State of Texas, with its principal place of business at 118 S. Tennessee Street, McKinney, TX 75069. NETMASS may be served with process by serving its registered agent, Mark W. Martin, 23569 FM 1214, Porter, TX 77365.

10. On information and belief, Defendant NIRVANIX, INC. (“NIRVANIX”) is a Corporation established under the laws of the State of Delaware, with its principal place of business at 4445 Eastgate Mall, Suite 405, San Diego, CA 92121. NIRVANIX may be served with process by serving its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

11. On information and belief, Defendant OFFICEWARE CORP. d/b/a FILESANYWHERE.COM, (“OFFICEWARE”) is a Corporation established under the laws of the State of Texas, with its principal place of business at 8600 Freeport Parkway, Suite 220, Irving, TX 75063. OFFICEWARE may be served with process by serving its registered agent, Capitol Corporate Services, Inc., 800 Brazos Street, Suite 400, Austin, TX 78701.

12. On information and belief, Defendant PRO SOFTNET CORP., (“PSC”) is a Corporation established under the laws of the State of California, with its principal place of business at 21300 Victory Boulevard, Suite 690, Woodland Hills, CA 91367. PSC may be served with process by serving its registered agent, Raghavendra V. Kulkarni, 7528 Penobscot Drive, West Hills, CA 91304.

13. On information and belief, Defendants RACKSPACE HOSTING, INC. and RACKSPACE US, INC. are Corporations established under the laws of the State of Delaware, with a principal place of business at 5000 Walzem Road, San Antonio, TX 78218. On information and belief, Defendant JUNGLE DISK LLC is a wholly owned subsidiary of RACKSPACE US, INC., and is a Limited Liability Company established under the laws of the State of Delaware, with a principal place of business at 5000 Walzem Road, San Antonio, TX 78218 (RACKSPACE HOSTING, INC., RACKSPACE US, INC., and JUNGLE DISK, LLC are collectively referred to as “RACKSPACE”). RACKSPACE HOSTING, INC. and

RACKSPACE US, INC. may be served with process by serving their registered agent, Capitol Corporate Services, Inc., 800 Brazos Street, Suite 400, Austin, TX 78701. JUNGLE DISK, LLC may be served with process by serving its registered agent, Capitol Services, Inc., 615 South Dupont Highway, Dover, DE 19901.

14. On information and belief, Defendant SOFTLAYER TECHNOLOGIES, INC., (“SOFTLAYER”) is a Corporation established under the laws of the State of Texas, with its principal place of business at 4849 Alpha Road, Dallas, TX 75244. SOFTLAYER may be served with process by serving its registered agent, Lance Crosby, 6400 International Parkway, Suite 2000, Plano, TX, 75093.

NATURE OF THE ACTION

15. This is a civil action for the infringement of United States Patent Number 5,771,354, United States Patent Number 5,901,228, United States Patent Number 6,411,943, and United States Patent Number 7,080,051 under the Patent Laws of the United States 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

16. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

17. This Court has personal jurisdiction over Defendants because, among other things, on information and belief Defendants have committed, aided, abetted, contributed to and/or participated in the commission of acts giving rise to this action within Texas and this judicial district and have established minimum contacts within the forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. On information and belief, each Defendant, designed, made or had made on its behalf, and placed products and services (that practice methods claimed in Plaintiff’s patents-in-suit)

into the stream of commerce with the reasonable expectation and/or knowledge that actual or potential ultimate purchasers and users for such products and/or services were located within this judicial district. On information and belief, Defendants sold, advertised, solicited customers, marketed and distributed their services that practice methods claimed in the patents-in-suit in this judicial district.

18. Venue is proper in this judicial district as to each defendant pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

19. OASIS realleges and incorporates by reference the allegations set forth in Paragraphs 1-18 above as if fully set forth herein.

20. On June 23, 1998, United States Patent Number 5,771,354 (the ‘354 patent), titled, “Internet Online Backup System Provides Remote Storage for Customers Using IDs and Passwords which were Interactively Established When Signing Up For Backup Services” was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the ‘354 patent as issued is attached hereto as Exhibit A.

21. OASIS is the assignee of the ‘354 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement. In this complaint, OASIS only asserts method claims, and not system claims, of the ‘354 patent.

22. On May 4, 1999, United States Patent Number 5,901,228 (the ‘228 patent), titled, “Commercial Online Backup Service That Provides Transparent Extended Storage To Remote Customers Over Telecommunications Links” was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the ‘228 patent as issued is attached hereto as Exhibit B.

23. OASIS is the assignee of the ‘228 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement. In this complaint, OASIS only asserts method claims, and not system claims, of the ‘228 patent.

24. On June 25, 2002, United States Patent Number 6,411,943 (the '943 patent), titled, "Internet Online Backup System Provides Remote Storage for Customers Using IDs and Passwords which were Interactively Established When Signing Up For Backup Services" was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the '943 patent as issued is attached hereto as Exhibit C.

25. OASIS is the assignee of the '943 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement. In this complaint, OASIS only asserts method claims, and not system claims, of the '943 patent.

26. On July 16, 2006, United States Patent Number 7,080,051 (the '051 patent), titled, "Internet Download Systems and Methods Providing Software To Internet Computer Users for Local Execution" was duly and lawfully issued by the United States Patent and Trademark Office. A true and correct copy of the '051 patent as issued is attached hereto as Exhibit D.

27. OASIS is the assignee of the '051 patent and holds the right to sue for and recover all damages for infringement thereof, including past infringement. In this complaint, OASIS only asserts claim 9 of the '051 patent, which is a method claim.

COUNT I

(Infringement of United States Patent No. 5,771,354)

28. Paragraphs 1-27 are incorporated by reference as if fully restated herein.

29. ADRIVE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief ADRIVE's infringement is continuing.

30. Upon information and belief, ADRIVE has offered and continues to offer its online backup/storage services at its website: www.adrive.com.

31. AT&T, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief AT&T's infringement is continuing.

32. For example, upon information and belief, AT&T has offered and continues to offer its "Synaptic" branded services at its website: synaptic.att.com. On information and belief, additional online backup/storage services that have been offered by AT&T include its "Remote Vault" branded services at its website remotevault.att.com.

33. CARBONITE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief CARBONITE's infringement is continuing.

34. Upon information and belief, CARBONITE has offered and continues to offer its online backup/storage services at its websites: www.carbonite.com and www.carbonitepro.com.

35. DRIVEHQ either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief DRIVEHQ's infringement is continuing.

36. Upon information and belief, DRIVEHQ has offered and continues to offer its online backup/storage services at its website: www.drivehq.com.

37. EMC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief EMC's infringement is continuing.

38. Upon information and belief, EMC has been aware of and has willfully infringed the '354 patent. EMC's willful infringement of the '354 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

39. For example, upon information and belief, EMC has offered and continues to offer its "Mozy" branded services at its website: www.mozy.com and has offered and continues to offer the service plans "MozyHome" and "MozyPro." On information and belief, additional online backup/storage services that have been offered by EMC include, but are not limited to, its "iStorage" branded service at its website: www.iomega.com/na/products/istorage.html and its "Atmos" branded service at its website: www.atmosonline.com.

40. IRON MOUNTAIN, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief IRON MOUNTAIN's infringement is continuing.

41. For example, upon information and belief, IRON MOUNTAIN has offered and continues to offer its "Connected" branded services at its website: backup.ironmountain.com.

42. NETMASS, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online

backup/storage services in this District and elsewhere in the United States. Upon information and belief NETMASS' infringement is continuing.

43. For example, upon information and belief, NETMASS has offered and continues to offer its "SystemSafe" branded services at its website: http://www.netmass.com/olb_download.html. On information and belief, additional NETMASS online backup/storage services include, but are not limited to, its "System Backup" branded services available at its website: www.systembackup.com. On information and belief, additional NETMASS online backup/storage services that have been offered by NETMASS include its "Virtual Storage" branded service.

44. NIRVANIX, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief NIRVANIX's infringement is continuing.

45. For example, upon information and belief, NIRVANIX has offered and continues to offer its "Storage Delivery Network" branded services at its website: www.nirvanix.com.

46. OFFICEWARE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief OFFICEWARE's infringement is continuing.

47. For example, upon information and belief, OFFICEWARE has offered and continues to offer its online backup/storage services at its website: www.filesanywhere.com.

48. PSC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of

equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief PSC's infringement is continuing.

49. For example, upon information and belief, PSC has offered and continues to offer its "IBackup" branded services at its website: www.ibackup.com. On information and belief, additional PSC online backup/storage services include, but are not limited to, its "IDrive" branded services available at its website: www.idrive.com.

50. RACKSPACE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief RACKSPACE's infringement is continuing.

51. For example, upon information and belief, RACKSPACE has offered and continues to offer its "Jungle Disk" branded services at its website: www.jungledisk.com. On information and belief, additional RACKSPACE online backup/storage services include, but are not limited to, RACKSPACE's "Rackspace Cloud" branded services available at RACKSPACE's website: www.rackspacecloud.com and RACKSPACE's "Cloud Drive" branded services available at RACKSPACE's website: http://www.rackspace.com/apps/backup_and_collaboration/online_file_storage.

52. SOFTLAYER, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief SOFTLAYER's infringement is continuing.

53. For example, upon information and belief, SOFTLAYER has offered and continues to offer its “CloudLayer Storage” branded services at its website:

www.softlayer.com/cloudlayer/storage/.

54. GO DADDY, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the ‘354 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief GO DADDY’s infringement is continuing.

55. For example, upon information and belief, GO DADDY has offered and continues to offer its “Online File Folder” branded services at its website:

http://www.godaddy.com/gdshop/email/vsdb_landing.asp.

56. Each of the Defendants has committed acts of infringement which have caused damage to OASIS. Under 35 U.S.C. § 284, OASIS is entitled to recover from each of the Defendants the damages sustained by OASIS as a result of their past infringement of the ‘354 patent.

COUNT II

(Infringement of United States Patent No. 5,901,228)

57. Paragraphs 1-56 are incorporated by reference as if fully restated herein.

58. ADRIVE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the ‘228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief ADRIVE’s infringement is continuing.

59. Upon information and belief, ADRIVE has offered and continues to offer its online backup/storage services at its website: www.adrive.com.

60. AT&T, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief AT&T's infringement is continuing.

61. For example, upon information and belief, AT&T has offered and continues to offer its "Synaptic" branded services at its website: synaptic.att.com. On information and belief, additional online backup/storage services that have been offered by AT&T include its "Remote Vault" branded services at its website remotevault.att.com.

62. CARBONITE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief CARBONITE's infringement is continuing.

63. Upon information and belief, CARBONITE has offered and continues to offer its online backup/storage services at its websites: www.carbonite.com and www.carbonitepro.com.

64. DRIVEHQ either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief DRIVEHQ's infringement is continuing.

65. Upon information and belief, DRIVEHQ has offered and continues to offer its online backup/storage services at its website: www.drivehq.com.

66. EMC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief EMC's infringement is continuing.

67. For example, upon information and belief, EMC has offered and continues to offer its "Mozy" branded services at its website: www.mozy.com and has offered and continues to offer the service plans "MozyHome" and "MozyPro." On information and belief, additional online backup/storage services that have been offered by EMC include, but are not limited to, its "iStorage" branded service at its website: www.iomega.com/na/products/istorage.html and its "Atmos" branded service at its website: www.atmosonline.com.

68. IRON MOUNTAIN, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief IRON MOUNTAIN's infringement is continuing.

69. For example, upon information and belief, IRON MOUNTAIN has offered and continues to offer its "Connected" branded services at its website: backup.ironmountain.com.

70. NETMASS, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online

backup/storage services in this District and elsewhere in the United States. Upon information and belief NETMASS' infringement is continuing.

71. For example, upon information and belief, NETMASS has offered and continues to offer its "SystemSafe" branded services at its website: http://www.netmass.com/olb_download.html. On information and belief, additional NETMASS online backup/storage services include, but are not limited to, its "System Backup" branded services available at its website: www.systembackup.com. On information and belief, additional NETMASS online backup/storage services that have been offered by NETMASS include its "Virtual Storage" branded service.

72. NIRVANIX, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief NIRVANIX's infringement is continuing.

73. For example, upon information and belief, NIRVANIX has offered and continues to offer its "Storage Delivery Network" branded services at its website: www.nirvanix.com.

74. OFFICEWARE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief OFFICEWARE's infringement is continuing.

75. For example, upon information and belief, OFFICEWARE has offered and continues to offer its online backup/storage services at its website: www.filesanywhere.com.

76. PSC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of

equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief PSC's infringement is continuing.

77. For example, upon information and belief, PSC has offered and continues to offer its "IBackup" branded services at its website: www.ibackup.com. On information and belief, additional PSC online backup/storage services include, but are not limited to, its "IDrive" branded services available at its website: www.idrive.com.

78. RACKSPACE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief RACKSPACE's infringement is continuing.

79. For example, upon information and belief, RACKSPACE has offered and continues to offer its "Jungle Disk" branded services at its website: www.jungledisk.com. On information and belief, additional RACKSPACE online backup/storage services include, but are not limited to, RACKSPACE's "Rackspace Cloud" branded services available at RACKSPACE's website: www.rackspacecloud.com and RACKSPACE's "Cloud Drive" branded services available at RACKSPACE's website: http://www.rackspace.com/apps/backup_and_collaboration/online_file_storage.

80. SOFTLAYER, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief SOFTLAYER's infringement is continuing.

81. For example, upon information and belief, SOFTLAYER has offered and continues to offer its “CloudLayer Storage” branded services at its website:

www.softlayer.com/cloudlayer/storage/.

82. GO DADDY, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the ‘228 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief GO DADDY’s infringement is continuing.

83. For example, upon information and belief, GO DADDY has offered and continues to offer its “Online File Folder” branded services at its website:

http://www.godaddy.com/gdshop/email/vsdb_landing.asp.

84. Each of the Defendants has committed acts of infringement which have caused damage to OASIS. Under 35 U.S.C. § 284, OASIS is entitled to recover from each of the Defendants the damages sustained by OASIS as a result of their past infringement of the ‘228 patent.

COUNT III

(Infringement of United States Patent No. 6,411,943)

85. Paragraphs 1-84 are incorporated by reference as if fully restated herein.

86. ADRIVE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the ‘943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief ADRIVE’s infringement is continuing.

87. Upon information and belief, ADRIVE has offered and continues to offer its online backup/storage services at its website: www.adrive.com.

88. AT&T, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief AT&T's infringement is continuing.

89. For example, upon information and belief, AT&T has offered and continues to offer its "Synaptic" branded services at its website: synaptic.att.com. On information and belief, additional online backup/storage services that have been offered by AT&T include its "Remote Vault" branded services at its website remotevault.att.com.

90. CARBONITE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief CARBONITE's infringement is continuing.

91. Upon information and belief, CARBONITE has offered and continues to offer its online backup/storage services at its websites: www.carbonite.com and www.carbonitepro.com.

92. DRIVEHQ either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief DRIVEHQ's infringement is continuing.

93. Upon information and belief, DRIVEHQ has offered and continues to offer its online backup/storage services at its website: www.drivehq.com.

94. EMC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief EMC's infringement is continuing.

95. Upon information and belief, EMC has been aware of and has willfully infringed the '943 patent. EMC's willful infringement of the '943 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

96. For example, upon information and belief, EMC has offered and continues to offer its "Mozy" branded services at its website: www.mozy.com and has offered and continues to offer the service plans "MozyHome" and "MozyPro." On information and belief, additional online backup/storage services that have been offered by EMC include, but are not limited to, its "iStorage" branded service at its website: www.iomega.com/na/products/istorage.html and its "Atmos" branded service at its website: www.atmosonline.com.

97. IRON MOUNTAIN, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief IRON MOUNTAIN's infringement is continuing.

98. For example, upon information and belief, IRON MOUNTAIN has offered and continues to offer its "Connected" branded services at its website: backup.ironmountain.com.

99. NETMASS, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of

equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief NETMASS' infringement is continuing.

100. For example, upon information and belief, NETMASS has offered and continues to offer its "SystemSafe" branded services at its website:

http://www.netmass.com/olb_download.html. On information and belief, additional NETMASS online backup/storage services include, but are not limited to, its "System Backup" branded services available at its website: www.systembackup.com. On information and belief, additional NETMASS online backup/storage services that have been offered by NETMASS include its "Virtual Storage" branded service.

101. NIRVANIX, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief NIRVANIX's infringement is continuing.

102. For example, upon information and belief, NIRVANIX has offered and continues to offer its "Storage Delivery Network" branded services at its website: www.nirvanix.com.

103. OFFICEWARE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief OFFICEWARE's infringement is continuing.

104. For example, upon information and belief, OFFICEWARE has offered and continues to offer its online backup/storage services at its website: www.filesanywhere.com.

105. PSC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief PSC's infringement is continuing.

106. For example, upon information and belief, PSC has offered and continues to offer its "IBackup" branded services at its website: www.ibackup.com. On information and belief, additional PSC online backup/storage services include, but are not limited to, its "IDrive" branded services available at its website: www.idrive.com.

107. RACKSPACE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief RACKSPACE's infringement is continuing.

108. For example, upon information and belief, RACKSPACE has offered and continues to offer its "Jungle Disk" branded services at its website: www.jungledisk.com. On information and belief, additional RACKSPACE online backup/storage services include, but are not limited to, RACKSPACE's "Rackspace Cloud" branded services available at RACKSPACE's website: www.rackspacecloud.com and RACKSPACE's "Cloud Drive" branded service available at RACKSPACE's website: http://www.rackspace.com/apps/backup_and_collaboration/online_file_storage.

109. SOFTLAYER, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its

online backup/storage services in this District and elsewhere in the United States. Upon information and belief SOFTLAYER's infringement is continuing.

110. For example, upon information and belief, SOFTLAYER has offered and continues to offer its "CloudLayer Storage" branded services at its website:
www.softlayer.com/cloudlayer/storage/.

111. GO DADDY, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents one or more of the method claims of the '943 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief GO DADDY's infringement is continuing.

112. For example, upon information and belief, GO DADDY has offered and continues to offer its "Online File Folder" branded services at its website:
http://www.godaddy.com/gdshop/email/vsdb_landing.asp.

113. Each of the Defendants has committed acts of infringement which have caused damage to OASIS. Under 35 U.S.C. § 284, OASIS is entitled to recover from each of the Defendants the damages sustained by OASIS as a result of their past infringement of the '943 patent.

COUNT IV

(Infringement of United States Patent No. 7,080,051)

114. Paragraphs 1-113 are incorporated by reference as if fully restated herein.

115. ADRIVE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this

District and elsewhere in the United States. Upon information and belief ADRIVE's infringement is continuing.

116. Upon information and belief, ADRIVE has offered and continues to offer its online backup/storage services at its website: www.adrive.com.

117. AT&T, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief AT&T's infringement is continuing.

118. For example, upon information and belief, AT&T has offered and continues to offer its "Synaptic" branded services at its website: synaptic.att.com. On information and belief, additional online backup/storage services that have been offered by AT&T include its "Remote Vault" branded services at its website remotevault.att.com.

119. CARBONITE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief CARBONITE's infringement is continuing.

120. Upon information and belief, CARBONITE has offered and continues to offer its online backup/storage services at its websites: www.carbonite.com and www.carbonitepro.com.

121. DRIVEHQ either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this

District and elsewhere in the United States. Upon information and belief DRIVEHQ's infringement is continuing.

122. Upon information and belief, DRIVEHQ has offered and continues to offer its online backup/storage services at its website: www.drivehq.com.

123. EMC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief EMC's infringement is continuing.

124. For example, upon information and belief, EMC has offered and continues to offer its "Mozy" branded services at its website: www.mozy.com and has offered and continues to offer the service plans "MozyHome" and "MozyPro." On information and belief, additional online backup/storage services that have been offered by EMC include, but are not limited to, its "iStorage" branded service at its website: www.iomega.com/na/products/istorage.html and its "Atmos" branded service at its website: www.atmosonline.com.

125. IRON MOUNTAIN, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief IRON MOUNTAIN's infringement is continuing.

126. For example, upon information and belief, IRON MOUNTAIN has offered and continues to offer its "Connected" branded services at its website: backup.ironmountain.com.

127. NETMASS, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for

sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief NETMASS' infringement is continuing.

128. For example, upon information and belief, NETMASS has offered and continues to offer its "SystemSafe" branded services at its website: http://www.netmass.com/olb_download.html. On information and belief, additional NETMASS online backup/storage services include, but are not limited to, its "System Backup" branded services available at its website: www.systembackup.com. On information and belief, additional NETMASS online backup/storage services that have been offered by NETMASS include its "Virtual Storage" branded service.

129. NIRVANIX, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief NIRVANIX's infringement is continuing.

130. For example, upon information and belief, NIRVANIX has offered and continues to offer its "Storage Delivery Network" branded services at its website: www.nirvanix.com.

131. OFFICEWARE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief OFFICEWARE's infringement is continuing.

132. For example, upon information and belief, OFFICEWARE has offered and continues to offer its online backup/storage services at its website: www.filesanywhere.com.

133. PSC, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief PSC's infringement is continuing.

134. For example, upon information and belief, PSC has offered and continues to offer its "IBackup" branded services at its website: www.ibackup.com. On information and belief, additional PSC online backup/storage services include, but are not limited to, its "IDrive" branded services available at its website: www.idrive.com.

135. RACKSPACE, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief RACKSPACE's infringement is continuing.

136. For example, upon information and belief, RACKSPACE has offered and continues to offer its "Jungle Disk" branded services at its website: www.jungledisk.com. On information and belief, additional RACKSPACE online backup/storage services include, but are not limited to, RACKSPACE's "Rackspace Cloud" branded services available at RACKSPACE's website: www.rackspacecloud.com and RACKSPACE's "Cloud Drive" branded services available at RACKSPACE's website: http://www.rackspace.com/apps/backup_and_collaboration/online_file_storage.

137. SOFTLAYER, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage

services in this District and elsewhere in the United States. Upon information and belief SOFTLAYER's infringement is continuing.

138. For example, upon information and belief, SOFTLAYER has offered and continues to offer its "CloudLayer Storage" branded services at its website:
www.softlayer.com/cloudlayer/storage/.

139. GO DADDY, either alone or in conjunction with others, has infringed, contributed to the infringement of, and/or induced others to infringe, literally and/or under the doctrine of equivalents claim 9 of the '051 patent by having made, made on its behalf, designed, offered for sale, sold, provided, used, maintained and supported its online backup/storage services in this District and elsewhere in the United States. Upon information and belief GO DADDY's infringement is continuing.

140. For example, upon information and belief, GO DADDY has offered and continues to offer its "Online File Folder" branded services at its website:
http://www.godaddy.com/gdshop/email/vsdb_landing.asp.

141. Each of the Defendants has committed acts of infringement which have caused damage to OASIS. Under 35 U.S.C. § 284, OASIS is entitled to recover from each of the Defendants the damages sustained by OASIS as a result of their past infringement of the '051 patent.

PRAYER FOR RELIEF

WHEREFORE, OASIS respectfully requests that this Court enter judgment against Defendants ADRIVE LLC, AT&T INC., CARBONITE, INC., DRIVE HEADQUARTERS INC., EMC CORP., DECHO CORP., IOMEGA CORP., GODADDY.COM, INC., IRON MOUNTAIN INC., IRON MOUNTAIN INFORMATION MANAGEMENT, INC., NETMASS, INC., NIRVANIX, INC., OFFICEWARE CORP d/b/a FILESANYWHERE.COM, PRO SOFTNET CORP., RACKSPACE HOSTING, INC.,

RACKSPACE US, INC., JUNGLE DISK, LLC, and SOFTLAYER TECHNOLOGIES, INC., as follows:

- a) for judgment that Defendants have infringed the '354 patent, the '228 patent, the '943 patent, and the '051 patent;
- b) for damages to be paid by Defendants adequate to compensate OASIS for their past infringement and any continuing or future infringement up until the date such judgment is entered, including interest, costs and disbursements as justified under 35 U.S.C. § 284;
- c) for judgment that EMC has willfully infringed the '354 patent and '943 patent and trebling all damages awarded to OASIS for such infringement pursuant to 35 U.S.C. § 284; and
- d) for such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

OASIS hereby demands trial by jury on all claims and issues so triable.

DATED: August 30, 2010

Respectfully submitted,

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